

Message Text

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ACTION L-03

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 3086

UNCLAS BUENOS AIRES 5677

E.O. 11652: N/A

TAGS: SNAR, CPRS, AR (RUSSO, MICHEL)

SUBJ: EXTRADITION CASE OF MICHEL RUSSO

REF: BUENOS AIRES 5180 AND 2946

1. IN PARA THREE OF REFTTEL, THE EMBASSY REQUESTED ASSISTANCE OF DEPARTMENT IN PREPARATION OF ARGUMENTS TO BE USED IN APPEAL OF LOWER COURT REFUSAL OF EXTRADITION REQUEST. CASE NOW BEFORE APPEALS COURT AND DEFENSE ATTORNEY BEING GIVEN FIRST OPPORTUNITY TO MAKE HIS VIEWS KNOWN. EMBASSY STILL HAS A FEW DAYS IN WHICH TO PREPARE MATERIAL BEFORE TALKING INFORMALLY TO COURT OFFICER. IT WOULD BE MOST HELPFUL THEREFORE IF DEPARTMENT COULD SEND EXPLANATION THAT STATUTE OF LIMITATIONS HAD NOT RUN OUT IN THIS CASE AND THAT AN ISOLATED INCIDENT IN A SERIES OF EVENTS WHICH MAKE UP THE CONSPIRACY IS NOT SUFFICIENT TO ESTABLISH A BEGINNING AND TERMINATION DATE WHEN CONSIDERING THE STATUTE OF LIMITATIONS. ALSO ELABORATION OF US LAW IN CONSPIRACY IN THAT CONSPIRACY IS A CONTINUING OFFENSE NOT TERMINATED BY INCARCERATION WHEN ACCUSED STILL A PART OF THE CONSPIRACY AND BENEFITTING FROM THE CONSPIRACY WOULD BE USEFUL. CITE REFERENCES.

2. SINCE CONSPIRACY AS UNDERSTOOD IN US LAW NOT KNOWN IN ARGENTINA, EMBASSY WILL ENDEAVOR TO "EDUCATE" COURT OFFICERS ON THIS POINT. DR. BOYWITT OF FIRM OF BRONS AND SALAS BEING MOST HELPFUL IN THIS MATTER AND IS PREPARING FOR EVENTUALITY OF GOING TO ARGENTINE SUPREME COURT IN ORDER EXHAUST ALL LEGAL REMEDIES AVAILABLE TO US.

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3. EMBASSY BELIEVES THE WAY ALL EXTRADITION CASES HAVE GONE
SO FAR POINTS UP NEED RETAIN SERVICES ATTORNEY IN EACH CASE.

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